

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CHERRIE R. PORTER

PLAINTIFF

V.

CIVIL ACTION NO. 1:06CV120 LTS-RHW

**GRAND CASINO OF MISSISSIPPI, INC. - BILOXI;
STATE FARM FIRE & CASUALTY INSURANCE CO.;
MAX MULLINS; ET AL.**

DEFENDANTS

MEMORANDUM OPINION

The Court has before it the motion of Plaintiff Cherrie R. Porter (Porter) to remand this action.

Porter owns a structure located at 450 East Beach Boulevard, Biloxi, Mississippi. This structure was damaged during Hurricane Katrina. The complaint alleges that the damage to the structure occurred when a barge owned by Defendant Grand Casino of Mississippi, Inc. - Biloxi (Grand Casino) broke free of its moorings and was driven by the storm into her property. At the time of this damage Porter alleges that her interest in the property was insured under a policy of insurance issued by Defendant State Farm Fire & Casualty Insurance Company (State Farm) and sold by one of State Farm's local agents, Defendant Max Mullins (Mullins).

Porter is a resident citizen of Mississippi, as is Mullins. This case was removed from the Circuit Court of Harrison County, Mississippi, on the theory that Porter has fraudulently joined Mullins in order to defeat diversity jurisdiction, and on the theory that the complaint raises issues of federal law.

Currently this action is stayed under an order issued in a Limitation of Liability action Grand Casino has filed. *In the Matter of the Complaint of Grand Casino of Mississippi, Inc. - Biloxi . . . for Exoneration from or Limitation of Liability*, Civil Action No. 1:06cv195 LG-RHW. Since the purpose of the stay issued in the limitation action is to center all claims against the party seeking limitation of its liability in a single proceeding, I will hold the motion to remand in abeyance pending further order of the court in the limitation proceeding.

Accordingly, it is

ORDERED

That the plaintiff's motion to remand [10] shall be held in abeyance pending further order of the court in Defendant Grand Casino of Mississippi, Inc., - Biloxi's limitation proceeding.

SO ORDERED this 26th day of July, 2006.

s/ L. T. Senter, Jr.

L. T. Senter, Jr.
Senior Judge